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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3390 OF 2004

Gopinath Mahadeo Koli ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. R.D. Mishra for the petitioner.

Mr. M.D. Naik, A.G.P. for respondents 1 and 2.

Mr. G.D. Utangale for respondent 3.

Mr. K.P. Jain i/b Tushar Garadia for respondent 4.

CORAM: SMT. RANJANA DESAI &
ABHAY S. OKA, JJ.

DATED: 12TH DECEMBER 2005.

P.C.:-

1. In this petition, the petitioner has challenged Slum Rehabilitation Scheme of 1996.

2. We have heard the learned counsel for the petitioner. We have also heard the learned counsel for the respondents. We have perused the affidavit of Mr. Ulhas V. Acharekar, the Secretary of respondent 4. It is stated in the said affidavit that the Slum Rehabilitation Authority and the Municipal Corporation have sanctioned the redevelopment by construction of one building with five wings for rehabilitation of the members of the Society and also project affected persons. Three wings out of the said five wings are already complete in all respects. The occupation certificate has been issued and

the same are fully occupied. Besides, we are informed that the petitioner has filed two suits; one suit is pending in the City Civil Court at Bombay and the other suit is pending in this court. The suits pertain to the same property. Hence, the petition cannot be entertained. The petition is rejected. The rejection of the petition, however, shall not affects the merits of the pending suits.

(SMT. RANJANA DESAI, J.)

(ABHAY S. OKA, J.)